

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES S. FRAZIER,)	
Plaintiff,)	2:08cv401
)	Electronic Filing
v.)	
)	Judge David S. Cercone
SECRETARY MICHAEL CHERTOFF,)	Magistrate Judge Lisa Pupo Lenihan
U.S. DEPARTMENT OF HOMELAND)	
SECURITY)	
Defendant.)	

MEMORANDUM OPINION

Plaintiff's Complaint was received by the Clerk of Court and was subsequently referred to United States Magistrate Judge Lisa Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation recommended that Defendant's Motion to Dismiss or In the Alternative to Transfer be granted in the form of transfer of this action to the United States District Court for the Eastern District of Louisiana under 28 U.S.C. § 1406(a), owing to improper venue. No objections have been filed, and the time for doing so has expired.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 2nd day of September, 2008

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss or In the Alternative to Transfer be granted in the form of transfer of this action to the United States District Court for the Eastern District of Louisiana under 28 U.S.C. § 1406(a), owing to improper venue.

The Report and Recommendation of Magistrate Judge Lenihan is adopted as the Opinion of the Court.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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